

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEANDRE LEWIS,

Plaintiff,

v.

IRS, et al.,

Defendants.

Case No. 1:21-cv-01653-NONE-EPG

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF NOS. 1 & 5)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Plaintiff Deandre Lewis is a state inmate proceeding *pro se* and *in forma pauperis* in this civil action.

Plaintiff filed his complaint on November 15, 2021. (ECF No. 1). The Court screened Plaintiff's complaint on December 3, 2021. (ECF No. 5). The Court found that Plaintiff's claims against the IRS and the Department of Treasury regarding his failure to receive economic impact payments should proceed past screening but that the complaint failed to state any other claims. The Court allowed Plaintiff to choose between proceeding only on the claims found cognizable by the Court in the screening order, filing an amended the complaint, or standing on his complaint.

On December 17, 2021, Plaintiff notified the Court that he wants to proceed only on the claims found cognizable in the screening order. (ECF No. 7).

Accordingly, for the reasons set forth in the Court's screening order (ECF No. 5), and because Plaintiff has notified the Court that he wants to proceed only on the claims found

1 cognizable in the screening order (ECF No. 7), it is HEREBY RECOMMENDED that all
2 claims and defendants be dismissed, except for Plaintiff's claims against the IRS and the
3 Department of Treasury regarding his failure to receive economic impact payments.

4 These findings and recommendations are submitted to the United States district judge
5 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**
6 **(14) days** after being served with these findings and recommendations, Plaintiff may file
7 written objections with the Court. The document should be captioned "Objections to
8 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
9 objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v.*
10 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394
11 (9th Cir. 1991)).

12
13 IT IS SO ORDERED.

14 Dated: **December 27, 2021**

15 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE